

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Applicant's representative, Rodney Fuller, on May 21, 2010.

The application has been amended as follows:

REPLACE claim 10 with the following: A substantially purified polypeptide consisting of an amino acid sequence selected from the group consisting of SEQ ID NOs: 3-6, 9, 15, 17, 20, 32, 36, 37, 40, 41 and 44.

REPLACE claim 12 with the following: A peptide comprising multiple copies of the substantially purified polypeptide of claim 1.

REPLACE claim 13 with the following: The peptide of claim 12 where the peptide is branched.

IN claim 18, line 3, replace --for-- with --thereby--

IN claim 32, line 2, replace --amount effective-- with --effective amount--

CANCEL claims 5-9, 11, 26-31 and 33-37.

The following is an examiner's statement of reasons for allowance: As presented in the amendment of May 3, 2010, the closest prior art of record, Rubenfield (PTO-892 3/1/10), does not teach or suggest the peptides of claim one consisting of the sequence shown in claim 1.

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Additionally, claim 10 has been amended as an independent claim to reflect the peptides that are within the genus of claim 1, and therefore is allowable. Claims 12 and 13 have been amended to reflect more accurately that a peptide with multiple copies, which may be branched, is being claimed. Claim 18 has been amended to more actively claim the method effect. The method claims (e.g. claim 18+) are allowable and enabled, as they merely require stimulation of immune system activity in a variety of patients, but do not claim *per se* treating the conditions.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW D. KOSAR whose telephone number is (571)272-0913. The examiner can normally be reached on Monday - Friday 08:00 - 16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia J. Tsang can be reached on (571)272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew D Kosar/
Primary Examiner, Art Unit 1654